


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 20, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio 11
00193 Rome, Italy

Your Eminence:

In accord with the norms of *Sacramentorum sanctitatis tutela*, I am submitting for your consideration the fact that Father Jerome Wagner has been accused of multiple acts of sexual abuse of minors. The summary of these allegations is enclosed. Father Wagner previously admitted that a number of these acts of sexual assault occurred. He has denied the seriousness of the incidents.

An incident reported to the police occurred at St. Jerome Parish in Oconomowoc. A 15-year old boy reported to his mother that Father Wagner had made inappropriate and unwanted advances toward him after having given him a number of alcoholic drinks. The police report includes the September 3, 1985 statement of the boy which describes the amount of alcohol he consumed before laying on the floor for a backrub from Father Wagner. The boy fell asleep and awoke to find Father Wagner straddling him, pressing his hips against the boy's thigh, while holding the boy's arm around Father's neck. The boy described Father as sexually aroused. The incident concluded when the boy jumped up off the floor. Father Wagner had at least two meetings with the Oconomowoc police. In one of those meetings, Father Wagner waived his rights and agreed to give the police the names of all boys to whom he had given alcohol and/or with whom he had had physical or sexually oriented contact. The above-noted description of the incident was disclosed to Father Wagner by the police in the presence of his attorney. The police report states that Father Wagner admitted that the: "Information is correct as indicated in the statement of 9/3/85."

In addition to going to the police, the mother also arranged a meeting of herself, her son and Father Wagner with the family physician. At that meeting it is reported that, when confronted with the description of the incident, "Father Wagner admitted what went on."

In a police interview Father Wagner gave the requested list of names of boys and young men. In each case he stated whether or not he had given them alcohol. In each case he stated whether or not there had been physical contact. In several instances he describes what he refers to as "cradling" the boy whereby he would encircle the boy with his arms and rock him which he found sexually arousing; this occurred while the boys were asleep or unconscious from alcohol. He admitted to being on camping trips with boys where they shared a small tent and there was perhaps a touching of the boy's hips while the boy

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 2

slept. He also described an incident with a 16 or 17 year old boy from Sheboygan who stayed overnight at Oconomowoc. Father admitted that he had given him alcohol and that they had lain together in "a sexually oriented position" but that they had shorts on.

Over the years, efforts were made to provide spiritual and psychological interventions that would rehabilitate Father Wagner. When the 1986 police investigation resulted in the district attorney's arranging with Father Wagner's lawyers for a transfer out of the area, Archdiocesan officials were not informed of the sexual content of the incidents and were told that it was a matter of providing alcohol to minors. Father was instructed to obtain counseling.

In 1994, the Archdiocese of Milwaukee was civilly sued by one of the boys with whom Father Wagner had had sexual contact. The case was resolved with an out of court settlement. It was only at this time, when investigative reporters from the newspaper followed the story, that Archdiocesan officials learned of the full content of the 1985 - 86 incidents. Father Wagner cooperated in a full reporting to Archdiocesan appointed assessors of any contacts with minors that involved alcohol or physical contact. On the basis of the information he provided and receipt of the police records from 1985, Father Wagner was sent to a residential treatment facility for assessment. On the basis of that assessment, with a full set of restrictions in place, including no unsupervised contact with minors, and with mandated counseling, it was thought that he could continue in ministry.

However, in light of the statement of the Holy Father that there is no place in ministry for a priest who has abused a minor and as a consequence of the USCCB Charter and Norms, it is clear that he cannot continue in and will never be able to assume any public ministry. When Father Wagner was removed from his position as a member of an *in solidum* team, many parishioners were supportive of him. Police and social service workers in Fond du Lac have reported that, from their observations, the limitation on unsupervised contact with minors was not observed.

As we have reviewed the various files, it is clear that Father Wagner did engage in sexual abuse and has admitted such in two investigations, one by the police and one by Archdiocesan officials. His abuse of alcohol may have contributed to a reduction in inhibition, but it cannot serve as an excuse for these behaviors. He also abused his office both to gain access to vulnerable boys and to elicit the trust of their parents. Our new found awareness of the severity of damage caused by sexual abuse at the hands of clergy makes it impossible for us to ignore this situation.

ADOM022063

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith

page 3

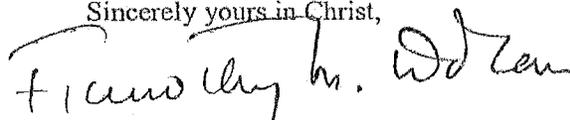
Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. Father Wagner has stated that he will not voluntarily seek laicization and he challenges the seriousness of his offenses. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Your Eminence allow this case to proceed through a canonical penal process and that you advise us if the Congregation will call the case to itself or assign it to our local Tribunal personnel. We stand ready to draw on the services of canonists who have been specially trained for these processes by the most competent Monsignor Charles Scicluna. If such is your disposition, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the years this case was under investigation. The severity of the offenses is such that it is my opinion that these requests are justified. However, if the judgement of Your Eminence is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement.

Father Wagner is pursuing training in another profession and is capable of gainful employment. He remains eligible for his pension benefits when he reaches age 68.

I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Timothy M. Dolan". The signature is written in a cursive, flowing style with a large initial 'T'.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM022064

DIOCESE	Milwaukee
NAME OF ORDINARY	Timothy M. Dolan
CDF PROT. N. (if available)	
NAME OF CLERIC	Jerome A. Wagner

PERSONAL DETAILS OF THE CLERIC	Date of Birth	July 16, 1946	Age	58
	Ordination	May 21, 1972	Years of ministry	30
ORIGINAL DIOCESE OF INCARDINATION		Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE				
CONTACT ADDRESS OF THE CLERIC		[REDACTED] Malone, WI 53049		
PROCURATOR (include original signed mandate)		No mandate submitted		
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1972	Immaculate Conception Parish	West Bend, WI	Associate pastor	
1978	De Sales High School	Milwaukee, WI	Faculty	
1979	De Sales High School	Milwaukee, WI	Vocations Director	
1983	St. Jerome Parish	Oconomowoc, WI	In solidum team member	
1986	St. Louis Parish	Fond du Lac, WI	Pastor	
2000	Holy Family Parish	Fond du Lac, WI	In solidum team member	
ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1972-77	Multiple unnamed but admitted by cleric	15-17	Providing alcohol to minors to point of inebriation; use of minors body for self-masturbation by cleric	Self-reported by cleric to diocese in 1994
1977-83	Multiple unnamed but admitted by cleric	15-17	Providing alcohol to minors to point of inebriation; use of minors body for self-masturbation by cleric	Self-reported by cleric to diocese in 1994
1985	[REDACTED]	15	Gave alcohol to victim until he passed out; straddled victim and rubbed against his pelvic area to the point of ejaculation; victim woke up and broke free	1985

ADOM022065

1983-86	[REDACTED]	Minor (15?)	While camping cradled the minor's body with his body and rocked him for sexual gratification	Self-reported to police by cleric in 1986
1983	[REDACTED]	16	Had minor stay overnight with him; provided alcohol and him lay on top of cleric in sexually oriented position	Self-reported to police by cleric in 1986

CIVIL PROCEEDINGS AGAINST THE CLERIC

Year	Type/Case	Conviction	Sentence (include copies of civil documents)
1986	Criminal investigation for second degree sexual assault and providing alcohol to minors	Agreement made with District Attorney to get counseling	
1994	Civil suit by [REDACTED]	Out of court monetary settlement	

MEASURES ADOPTED BY THE DIOCESE

Year	
1994	First report to diocese of sexual content in addition to alcohol from 1985; sent for counseling and placed on monitored status
2002	Removed from in solidum team

SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC

He is provided with \$1,250 a month, the equivalent of a retired, pensioned priest of the Archdiocese. The Archdiocese provides health and dental insurance and continues payment into his pension fund. He will qualify for a pension at age 68.

RESPONSE/RECOURSE MADE BY THE CLERIC

Year	
1986	Gave police full listing of all minors with whom he could remember that he had contact involving alcohol and/or sexual contact (8)
1994	Admitted content of 1986 police report was accurate; admitted that he achieved sexual gratification from holding minors against his body; stated that he always ejaculated quietly as he was ashamed of what he was doing

BISHOP'S VOTUM

Dispensation from prescription to conduct a penal trial to determine guilt and assign penalty proportionate to admitted and alleged actions



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

14 February 2005

421/04-20767

PROT. N.
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Jerome A. WAGNER**, a priest of your Archdiocese accused of the sexual abuse of minors.

After a careful examination of the present case, I wish to inform you that this Congregation – having taken into consideration the gravity of the accusations and the culpability of the cleric – grants the derogation from prescription. At the same time, Your Excellency is authorized to conduct a penal administrative process (can. 1720 *CIC*) and not a judicial process as requested. However, before proceeding, we would ask you to approach Rev. Wagner one last time in order that he might freely request the grace of a dispensation from the obligations of the priesthood. If he declines the invitation, Your Excellency should initiate the above-mentioned process. At the conclusion of the process a suitable penalty should be imposed, not excluding dismissal from the clerical state.

In the meantime, this Dicastery confirms the precautionary measures already adopted by Your Excellency regarding Rev. Wagner.

With prayerful support and best wishes for the Lenten Season, I remain

Yours devotedly in the Lord,

✠ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Excellency
The Most Rev. Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

ADOM022049

MAR 28 2005

Jerome A Wagner

Malone WI 53049-1239

Home:

Cell:

Email:

His Holiness
Pope John Paul II
Bishop of Rome
Vatican City State

Saturday, March 26, 2005

Your Holiness,

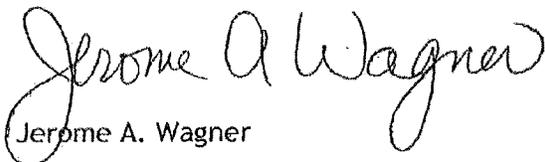
On May 21, 1972, Archbishop William E. Cousins placed his hands upon me and ordained me a priest for the Archdiocese of Milwaukee. I have served as priest in this Archdiocese for thirty-three years. It has been my responsibility and privilege to bring the sacraments to the faithful and provide the love of God for many who have forgotten how much that love affects their lives and their salvation.

I have truly done the very best I could, and I firmly believe that my priestly ministry has brought faith, hope and love to the vast majority of the faithful that I have been privileged to serve. However, it has been determined by Archbishop Timothy Dolan that during that same time my sinfulness has gotten in the way of my continuing in priestly service as a Roman Catholic priest.

It is very improbable that I will ever be able to continue my ministry as a Roman Catholic Priest. Therefore, I humbly place myself before you and voluntarily request a dispensation from the obligations of the priesthood. I ask for your prayers that my return to the lay state will provide me with other opportunities to serve the people of God as best I can.

I wish you all the blessings of Easter and I am grateful to God for your Pontificate over the past twenty-six years.

Sincerely in Christ,


Jerome A. Wagner

ADOM022051


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 421/04-20767

March 29, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio 11
00193 Rome, Italy

Your Excellency:

Thank you for your previous correspondence on the above-captioned case. As you requested, we did approach Reverend Jerome Wagner to reiterate the request that he voluntarily seek a dispensation from the obligations of the priesthood. In my name, Very Reverend Curt Frederick, Vicar General and Vicar for Clergy, contacted Father Wagner on this matter.

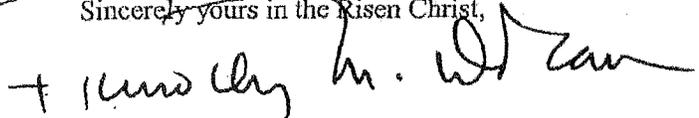
Enclosed is the petition to the Holy Father requesting a dispensation as prepared by Father Wagner. In it he acknowledges that his sinful actions have led to his inability to continue in priestly ministry. He also acknowledges the voluntary nature of his petition. I accept the veracity of the statements he makes in the petition. Father Frederick has also spoken with Father Wagner and agrees that this petition is being made freely.

Enclosed is a copy of the reporting information. From your letter it appears that all has been completed as requested. Therefore, I humbly request that Father Wagner's petition receive an affirmative reply. He continues to be provided with a pension equivalency and upon laicization will be assisted with transition expenses. He has already been trained for a position in the secular world.

Thank you for your kind attention to this matter.

With sentiments of esteem and prayerful best wishes, I am,

Sincerely yours in the Risen Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Prot. No. 421/04-20767

June 15, 2007

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

The above captioned case involves Reverend Jerome Wagner. It was originally submitted as a request to conduct a penal trial. Faced with this potential, Father Wagner decided to submit a petition for voluntary laicization. In that petition he acknowledged that his sinful actions had led to his inability to continue in priestly ministry. Father Wagner has been under a penal precept forbidding any exercise of public ministry and any public presentation of himself as a cleric.

It has recently come to my attention that he has acted in violation of this penal precept by presiding at a funeral service. he is known in the region where the FUNERAL service was celebrated (because he has remained in the vicinity of his last assignment), so the newspapers reported on it and referred to him as "Reverend" Wagner. While he cannot be held accountable for what the news reporter did, he has obviously not taken this whole matter seriously, and it appears he will continue to act as he deems fit regardless of any action on my part. He recognized that what he had done was wrong and reported it to one of the priests in the area, but was more concerned about the fact that the service had been reported on than the fact that he had violated the precept.

The faithful who have learned of these actions on his part are confused and scandalized. As noted, he has not moved from the immediate vicinity of his last parish assignment, and that parish cannot move toward healing while Father Wagner does not observe the restrictions on his ministry. I am afraid that the delay in response to his request for laicization has led to more complacency on his part regarding the seriousness of what his behavior has caused the Church.

ADOM047030

Page 2 --

Prot. No. 421/04-20767

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith

Therefore, I resubmit my support that the petition for laicization presented by Reverend Jerome Wagner be granted an affirmative response.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM047031



CONGREGATIO PRO DOCTRINA FIDEI

Prot. N. 421/04

Milvaukiensis

D.nus **Jerome A. WAGNER**, presbyter huius archidioecesis, humiliter petit dispensationem ab omnibus oneribus sacrae Ordinationi conexas

Summus Pontifex Benedictus, Papa XVI

Die 6 m. Octobris a. 2007

audita relatione Em.mi et Rev.mi Praefecti huius Congregationis, precibus praedicti sacerdotis annuit iuxta sequentes rationes:

1. Dispensationis Rescriptum a competenti Ordinario oratori quamprimum notificandum est:
 - a) Eius effectum sortitur a momento notificationis;
 - b) Rescriptum amplectitur inseparabiliter dispensationem a sacro coelibatu et simul amissionem status clericalis. Nunquam oratori fas est duo illa elementa seiungere, seu prius accipere et alterum recusare;
 - c) Si vero orator est religiosus, Rescriptum concedit etiam dispensationem a votis;
 - d) Idemque insuper secumfert, quatenus opus sit, absolutionem a censuris.
2. Notificatio dispensationis fieri potest vel personaliter ab ipso Ordinario eiusve delegato aut per ecclesiasticum actuarium vel per "epistulas praescriptas" (*registered*). Ordinarius unum exemplar restituere debet rite ab oratore subsignatum ad fidem receptionis Rescripti dispensationis ac simul acceptationis eiusdem praeceptorum.
3. Notitia concessae dispensationis adnotetur in Libris baptizatorum paroeciae oratoris.
4. Quod attinet, si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Rescriptum oratori rite notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM040015

- a) Sacerdos dispensatus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;
- b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastorali neve munere administratoris paroecialis fungi;
- c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo fungi nequit;
- d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologicam disciplinam tradere potest;
- e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradendo Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dispensati fidelibus scandalum praebet. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dispensationis necnon causam canonicam divulgare.

7. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 6 m. Octobris a. 2007

William Card. Levada

Gulielmus Cardinalis LEVADA
Praefectus

A. Amato

✠ Angelus AMATO, S.D.B.
Archiep. Titularis Silensis
Secretarius

Dies notificationis Dec. 17, 2007

Jerome A. Wagner
Subsignatio Presbyteri in signum
acceptationis

Francis M. Moran
Subsignatio Ordinarii



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

10 October 2007

PROT. N. 421/04 - 25566

(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write with regard to the case of the **Reverend Jerome A. WAGNER**, a priest of your Archdiocese who has been accused of acts of sexual abuse of minors. The cleric has petitioned the Holy Father for the grace of a dispensation from all the obligations of the priesthood, including the obligation of celibacy.

This Congregation, after having carefully examined the documents of the present case and in light of the *votum* expressed by Your Excellency, has decided to forward the petition to the Holy Father for his decision.

In an audience granted on 6 October 2007 **Pope Benedict XVI granted the Rev. Wagner the grace of a dispensation from all priestly obligations including that of celibacy.** Attached you will find a copy of the relevant Decree. Your Excellency is asked kindly to ensure that he is duly notified thereof. A signed and notarized copy of the rescript, as well as notification of any other arrangements made, should be returned to this Dicastery at your earliest convenience.

I take this opportunity to express my sincere respects and I remain,

Yours devotedly in the Lord,

✘ Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

(Enclosures)

His Excellency
The Most Reverend **Timothy M. DOLAN**
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM040019